<u>**IN THE CLAIMS**</u>:

A complete listing of the claims is set forth below:

1.   **(Currently Amended)** A system [[for]] <u>of</u> brokering food order transactions among a plurality of unaffiliated sellers, comprising:

one or more databases comprising:

buyer delivery information associated with each of a plurality of buyers, the buyer delivery information comprises information selected from the group consisting of a maximum delivery time preference of at least one of the plurality of buyers and an indication of how important the delivery time is to the at least one of the plurality of buyers;

preference information for at least one of the plurality of buyers, wherein the preference information comprises a maximum price preference, a minimum price preference, and a restaurant rating preference;

real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers <u>wherein the real-time availability information for at least one of the plurality of unaffiliated sellers comprises real-time availability information reflecting a current shortage of one or more particular food items normally available from one or more of the plurality of unaffiliated sellers</u>;

pricing information for the particular food items available from each of the plurality of unaffiliated sellers; and

unaffiliated seller delivery information for each of the plurality of unaffiliated sellers comprising a delivery area for each of the plurality of unaffiliated sellers and real-time delivery time information for each of the plurality of unaffiliated sellers based at least in part on a current order backlog each of the plurality of unaffiliated sellers; and

a storage medium stored therein a food order transaction broker configured to:

receive a request for at least one particular food item from a buyer;

generate a list of one or more of the plurality of unaffiliated sellers for at least one of the requested particular food items according to a comparison of the requested particular food item

with the real-time availability information for each unaffiliated seller and a comparison of the buyer delivery information with the unaffiliated seller delivery information, the list reflecting the pricing information for at least one of the requested particular food items, for each of the plurality of listed unaffiliated sellers, the delivery area of each of the plurality of unaffiliated sellers, and the real-time delivery time information for each of the plurality of listed unaffiliated sellers; and

initiate a food order transaction for at least one of the requested particular food items with one of the plurality of listed unaffiliated sellers selected from the list.

2. **(Previously Presented)** The system of Claim 1, wherein the indication of how important the delivery time is to at least one of the plurality of buyers includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

3. **(Previously Presented)** The system of Claim 1, wherein the maximum delivery time preference is obtained from at least one of the plurality of buyers while the buyer is registering as a new user of the system.

4. **(Previously Presented)** The system of Claim 1, wherein the real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises an estimated delivery time determined based on one or more actual delivery times for at least one of the plurality of listed unaffiliated sellers within a predetermined time period preceding the request.

5. **(Previously Presented)** The system of Claim 1, wherein the real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises a recent actual delivery time for at least one of the plurality of the listed unaffiliated sellers.

6. **(Previously Presented)** The system of Claim 1, wherein the broker is further configured to rank the plurality of listed unaffiliated sellers according to at least the real-time delivery time information for each of the plurality of listed unaffiliated sellers.

7. **(Previously Presented)** The system of Claim 1, wherein:

the broker is configured to generate the list according to the preference information for at least one of the plurality of buyers, the list excluding any of the plurality of listed unaffiliated sellers for which the pricing information or the real-time delivery time information does not satisfy the preference information for at least one of the plurality of buyers.

8. **(Previously Presented)** The system of Claim 1, wherein the broker is further configured to communicate to at least one of the plurality of buyers a suggested alternative particular food item available from one or more of the plurality of unaffiliated sellers, along with the pricing information and real-time delivery time information for the alternative particular food item for each of the plurality of unaffiliated sellers, if the real-time delivery time information for one or more of the plurality of listed unaffiliated sellers exceeds a threshold corresponding to the maximum delivery time preference of at least one of the plurality of buyers.

9. **(Canceled)**

10. **(Previously Presented)** The system of Claim 1, wherein:

the one or more databases further comprise rating information for one or more of the plurality of unaffiliated sellers; and

the broker is further configured to communicate to at least one of the plurality of-buyers the rating information for at least one of the plurality of listed unaffiliated sellers in association with the pricing and real-time delivery time information for one or more of the plurality of listed sellers.

11. **(Previously Presented)** The system of Claim 1, wherein the broker is further configured to:

communicate the list to at least one of the plurality of buyers;

receive from at least one of the plurality of buyers a selection of one of the plurality of listed unaffiliated sellers; and

initiate the food order transaction with one of the plurality of listed unaffiliated sellers in response to the selection.

12. **(Previously Presented)** The system of Claim 1, wherein the broker is further configured to select one of the plurality of listed sellers automatically according to at least the real-time delivery time information for all of the plurality of listed unaffiliated sellers.

13. **(Currently Amended)** Software ~~for brokering~~ that brokers food order transactions among a plurality of unaffiliated sellers, the software being embodied in a computer-readable medium and when executed by a computer is configured to:

receive a request for at least one particular food item from one of a plurality of buyers;

access one or more databases comprising:

buyer delivery information for at least one of the plurality of buyers, the buyer delivery information comprises information selected from the group consisting of a maximum delivery time preference of at least one of the plurality of buyers and an indication of how important the delivery time is to the buyer;

preference information for at least one of the plurality of buyers, wherein the preference information comprises a maximum price preference, a minimum price preference, and a restaurant rating preference;

real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers wherein the real-time availability information for at least one of the plurality of unaffiliated sellers comprises real-time availability information reflecting a current shortage of one or more particular food items normally available from one or more of the plurality of unaffiliated sellers;

pricing information for the particular food items available from each of the plurality of unaffiliated sellers; and

unaffiliated seller delivery information for each of the plurality of unaffiliated sellers comprising a delivery area for the unaffiliated seller and real-time delivery time information for each of the plurality of unaffiliated sellers based at least in part on a current order backlog for each of the plurality of unaffiliated sellers;

generate a list of one or more unaffiliated sellers of the requested particular food item according to a comparison of the requested particular food item with the real-time availability information for each of the plurality of unaffiliated sellers and a comparison of the buyer delivery information with the unaffiliated seller delivery information, the list reflecting the pricing information for at least one of the requested particular food items, for each of the plurality of listed

unaffiliated sellers, the delivery area of each of the plurality of unaffiliated sellers, and the real-time delivery time information for each of the plurality of listed unaffiliated sellers; and

initiate a food order transaction concerning the requested particular food item with one of the plurality of listed unaffiliated sellers selected from the list.

14.   **(Previously Presented)** The software of Claim 13, wherein the indication of how important the delivery time is to at least one of the plurality of buyers includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

15.   **(Previously Presented)** The software of Claim 13, wherein the maximum delivery time preference is obtained from at least one of the plurality of buyers while the buyer is registering as a new user of the system.

16.   **(Previously Presented)** The software of Claim 13, further configured to rank the plurality of listed unaffiliated sellers according to at least the real-time delivery time information for each of the plurality of listed unaffiliated sellers.

17.   **(Previously Presented)** The software of Claim 13, further configured to generate the list according to the preference information for at least one of the plurality of buyers, the list excluding any of the plurality of listed unaffiliated sellers for which the pricing information or the real-time delivery time information does not satisfy the preference information for the buyer.

18.   **(Previously Presented)** The software of Claim 13, further configured to initiate communication to at least one of the plurality of buyers of a suggested alternative particular food item available from one or more of the plurality of listed unaffiliated sellers, along with the pricing information and real-time delivery time information for the alternative particular food item for each of the plurality of listed unaffiliated sellers, if the real-time delivery time information for one or more of the plurality of listed unaffiliated sellers exceeds a threshold corresponding to the maximum delivery time preference of the buyer.

19.   **(Canceled)**

20.   **(Previously Presented)** The software of Claim 13, wherein:

the one or more databases comprise rating information for one or more of the plurality of listed unaffiliated sellers; and

the software is further configured to initiate communication to at least one of the plurality of buyers the rating information for at least one of the plurality of listed unaffiliated sellers in association with the pricing and real-time delivery time information for at least one of the listed unaffiliated sellers.

21.   **(Previously Presented)** The software of Claim 13, further configured to:

initiate communication of the list to at least one of the plurality of buyers;

receive from at least one of the plurality of buyers a selection of at least one of the plurality of listed unaffiliated sellers; and

initiate the food order transaction with at least one of the plurality of listed unaffiliated sellers in response to the selection.

22.   **(Previously Presented)** The software of Claim 13, further configured to select at least one of the plurality of listed unaffiliated sellers automatically according to at least the real-time delivery time information for all of the plurality of listed unaffiliated sellers.

23. **(Currently Amended)** A system for brokering food order transactions among a plurality of listed unaffiliated sellers, comprising:

means for storing:

buyer delivery information associated with each of a plurality of buyers, the buyer delivery information comprises information selected from the group consisting of a maximum delivery time preference of at least one of the plurality of buyers, and an indication of how important the delivery time is to the at least one of the plurality of buyers;

preference information for at least one of the plurality of buyers, wherein the preference information comprises a maximum price preference, a minimum price preference, and a restaurant rating preference;

real-time availability information identifying particular food items available from each of a plurality of listed unaffiliated sellers <u>wherein the real-time availability information for at least one of the plurality of unaffiliated sellers comprises real-time availability information reflecting a current shortage of one or more particular food items normally available from one or more of the plurality of unaffiliated sellers</u>;

pricing information for the particular food items available from each of the plurality of listed unaffiliated sellers; and

unaffiliated seller delivery information for each of the plurality of listed unaffiliated sellers comprising a delivery area for the at least one of the plurality of listed unaffiliated sellers and real-time delivery time information for the at least one of the plurality of listed unaffiliated sellers based at least in part on a current order backlog for at least one of the plurality of listed unaffiliated sellers;

means for receiving a request for at least one particular food item from at least one of a plurality of buyers;

means for generating a list of one or more of the plurality of listed unaffiliated sellers of the requested particular food item according to a comparison of the requested food item with the real-time availability information for each of the plurality of listed unaffiliated sellers and a comparison of the buyer delivery information with the unaffiliated seller delivery information, the list reflecting the pricing information for at least one of the requested particular food items, for each of the

plurality of listed unaffiliated sellers, the delivery area of each of the plurality of unaffiliated sellers, and the real-time delivery time information for each of the plurality of listed unaffiliated sellers; and

means for initiating a food order transaction concerning the requested particular food item with at least one of the plurality of listed unaffiliated sellers selected from the list.

24. **(Currently Amended)** A computer-implemented method of brokering food order transactions among a plurality of listed unaffiliated sellers, the method performed using a computer system comprising one or more processing units, the method comprising:

using the one or more processing units, receiving a request for at least one particular food item from one of a plurality of buyers;

using the one or more processing units, accessing one or more databases comprising:

buyer delivery information for at least one of the plurality of buyers, the buyer delivery information comprises information selected from the group consisting of a maximum delivery time preference of at least one of the plurality of buyers and an indication of how important the delivery time is to the at least one of the plurality of buyers;

preference information for at least one of the plurality of buyers, wherein the preference information comprises a maximum price preference, a minimum price preference, and a restaurant rating preference;

real-time availability information identifying particular food items available from each of a plurality of listed unaffiliated sellers <u>wherein the real-time availability information for at least one of the plurality of unaffiliated sellers comprises real-time availability information reflecting a current shortage of one or more particular food items normally available from one or more of the plurality of unaffiliated sellers</u>;

pricing information for the particular food items available from each of the plurality of listed unaffiliated sellers; and

unaffiliated seller delivery information for each unaffiliated seller comprising a delivery area for each of the plurality of listed unaffiliated sellers and real-time delivery time information for each of the plurality of listed unaffiliated sellers based at least in part on a current order backlog for each of the plurality of listed unaffiliated sellers;

using the one or more processing units, generating a list of one or more of the plurality of listed unaffiliated sellers of the requested particular food item according to a comparison of the requested food item with the real-time availability information for each of the plurality of listed unaffiliated sellers and a comparison of the buyer delivery information with the unaffiliated seller delivery information, the list reflecting the pricing information for at least one of the requested

particular food items, for each of the plurality of listed unaffiliated sellers, the delivery area of each of the plurality of unaffiliated sellers, and the real-time delivery time information for each of the plurality of listed unaffiliated sellers; and

using the one or more processing units, initiating a food order transaction concerning the requested particular food item with at least one of the plurality of listed unaffiliated sellers selected from the list.

25.   **(Previously Presented)** The method of Claim 24, wherein the indication of how important the delivery time is to at least one of the plurality of buyers includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

26.   **(Previously Presented)** The method of Claim 24, wherein the maximum delivery time preference is obtained from at least one of the plurality of buyers while the buyer is registering as a new user of the system.

27.   **(Previously Presented)** The method of Claim 24, wherein the real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises an estimated delivery time determined based on one or more actual delivery times for at least one of the plurality of listed unaffiliated sellers within a predetermined time period preceding the request.

28.   **(Previously Presented)** The method of Claim 24, wherein the real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises a recent actual delivery time for at least one of the plurality of listed unaffiliated sellers.

29.   **(Previously Presented)** The method of Claim 24, further comprising using the one or more processing units, ranking the each of the plurality of listed unaffiliated sellers according to at least the real-time delivery time information for each of the plurality of listed unaffiliated sellers.

30.   **(Previously Presented)** The method of Claim 24, wherein:

the method further comprises generating the list according to the preference information for at least one of the plurality of buyers, the list excluding any of the plurality of listed unaffiliated sellers for which the pricing information or the real-time delivery time information does not satisfy the preference information for at least one of the plurality of buyers.

31.   **(Previously Presented)** The method of Claim 24, further comprising using the one or more processing units, communicating to at least one of the plurality of buyers a suggested alternative particular food item available from one or more of the plurality of listed unaffiliated sellers, along with the pricing information and real-time delivery time information for the alternative particular food item for each of the plurality of listed unaffiliated sellers, if the real-time delivery time information for one or more of the plurality of listed unaffiliated sellers exceeds a threshold corresponding to the maximum delivery time preference of the buyer.

32.   **(Canceled)**

33.   **(Previously Presented)** The method of Claim 24, wherein:

the one or more databases comprise rating information for one or more of the plurality of listed unaffiliated sellers; and

the method further comprises using the one or more processing units, communicating to at least one of the plurality of buyers the rating information for at least one of the plurality of listed unaffiliated sellers in association with the pricing and real-time delivery time information for at least one of the plurality of listed unaffiliated sellers.

34.   **(Previously Presented)** The method of Claim 24, further comprising:

using the one or more processing units, communicating the list to at least one of the plurality of buyers;

using the one or more processing units, receiving from at least one of the plurality of buyers a selection of at least one of the plurality of listed unaffiliated sellers; and

using the one or more processing units, initiating the food order transaction with at least one of the plurality of listed unaffiliated sellers in response to the selection.

35.   **(Previously Presented)** The method of Claim 24, further comprising using the one or more processing units, selecting at least one of the plurality of listed unaffiliated sellers automatically according to at least the real-time delivery time information for all of the plurality of listed unaffiliated sellers.

36.   **(Previously Presented)** The method of Claim 24, wherein the real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises an estimated delivery time determined based on one or more actual delivery times for at least one of the plurality of listed unaffiliated sellers within a predetermined time period preceding the request.

37.   **(Previously Presented)** The method of Claim 24, wherein the real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises a recent actual delivery time for at least one of the plurality of listed unaffiliated sellers.